REMARKS

Applicants respectfully request reconsideration of this application as amended. Claims 31, 34, 36, 39, 41-42, 44-46, 48-53 and 58-60 have been amended. Claims 37-38, 47 and 54-57 have been cancelled without prejudice. Therefore, claims 31-36, 39-46, 48-43 and 58-60 now are presented for examination.

35 U.S.C. § 112 Rejection

Claims 37 and 38 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Claims 37 and 38 have been cancelled without prejudice. Accordingly, Applicants respectfully request for the rejection to be withdrawn.

35 U.S.C. § 103 Rejection

Claims 1-36, 39-41, 44-51, and 58-60 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rajasekharan, et al., U.S. Patent No. 6,480,961 ("Rajasekharan"), in view of Xie, et al., U.S. Patent No. 6,606,393 ("Xie").

Applicants submit that Rajasekharan discloses "a method for *secure streaming of digital audio/visual content. Secure streaming provides protection against unauthorized use* of digital content." (Abstract; emphasis provided). Rajasekharan further discloses that "*authorization data is received from a source...* [and] the source is a server computer system accessed via a network. The server can provide the digital content as well as the authorization data." (col. 4, lines 6-9; emphasis provided).

Applicants submit that Xie discloses "a *message authentication* code ("MAC")" that is attached to digital content." (col. 1, lines 27-29; emphasis provided) Watermarking is an example of a MAC system. A watermark is "*embedded in the media stream*, so that removal of the watermark may destroy or visibly alter the underlying content." (col. 1, lines 32-38; emphasis provided).

Claim 31, in pertinent part, recites "generating a validation key associated with the data stream, the validation key to map the data stream with a source, generating the data stream, storing the validation key, embedding the validation key in the data stream to form a validation key embedded data stream." (emphasis provided). Rajasekharan does not teach or reasonably suggest generating a validation key associated with the data stream, the validation key to map the data stream with a source, as recited by claim 31. Rajasekharan discloses authorization data used to restrict unauthorized access to digital media which is not equivalent to generating a validation key associated with the data stream, and then the validation key to map the data stream with a source, as recited by claim 31. Authorization is not the same as validation. Stated differently, the method disclosed in Rajasekharan provides a way to transfer digital media in a secure manner, thus protecting against unauthorized use of the data. (Abstract).

In addition, Xie does not teach or reasonably suggest generating a validation key associated with the data stream, the validation key to map the data stream with a source, generating the data stream, storing the validation key, embedding the validation key in the data stream to form a validation key embedded data stream, as recited by claim 31. Accordingly, for at least the reasons stated above, Applicants respectfully request the withdrawal of the rejection of claim 31 and its dependent claims.

Claims 39, 44, 49 and 58 contain limitations similar to those of claim 31 and accordingly, Applicants request the rejection of claims 39, 44, 49 and 58 and their dependent claims be withdrawn.

Claims 37 and 38 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rajasekharan, in view of Xie, in further view of Krishnan et al., U.S. Patent No. 6,073,124 ("Krishnan").

Claims 37 and 38 have been cancelled without prejudice. Accordingly, Applicants respectfully request the rejection be withdrawn.

Claims 42, 43, 52, 53 and 55-57 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Rajasekharan, in view of Xie, in further view of Willis, Jr. et al., U.S. Patent No. 6,738,815 ("Willis").

With regard to claims 42, 43, 52, 53 and 55-57, they depend from one of independent claims 31, 39, 44, 49 and 58 and thus, include the limitations of the independent claim from which they depend. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 42, 43, 52, 53 and 55-57.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: _May 1 8, 2005_   _____
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